

**Amendments to the Drawings:**

The attached two sheets of drawings include changes to Figs. 1-4. These two sheets, which include Figs. 1-5, replace the original two sheets including Figs. 1-5. In Figs. 1-4, descriptive text labels for the various boxes have been provided. No new matter has been added, and the Replacement Sheets are supported by the present application, including the specification.

Attachments: 2 Replacement Sheets.

## REMARKS

Claims 8-12 are pending in the present application. Claims 8-10 have been amended.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

In response to the Examiner's drawing objection, Figures 1-4 have been amended to provide descriptive text labels for the various boxes. Withdrawal of the drawing objection is respectfully requested.

In response to the Examiner's objection to the specification, Applicant has amended the specification in accordance with the Examiner's suggestion, i.e., eliminate the verbose phrases and add the continuity data.

Claims 8-10 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Althoff (U.S. Patent No. 5,440,487). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Althoff. Applicant respectfully submits that the rejections should be withdrawn for at least the following reasons.

To anticipate a claim under § 102(b), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged exactly as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of

the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 8 has been amended to recite, in relevant parts, “forming an error pattern for a monitoring of the at least one sensor with the aid of an error word and at least one of a sensor signal and a status signal of a vehicle component, wherein the error pattern is formed by an evaluation module associated with the sensor using a stored look-up table, and wherein the error word indicates one of a plurality of different error types; transmitting the error pattern from the evaluation module to a processor; and evaluating the error pattern by the processor to form one of plurality of responsive measures depending on the error pattern.” The above-recited features of claim 8 are clearly shown in Figs. 1 and 4, and clearly described on p. 5, l. 24-33, and p. 6, l. 11 – p. 7, l. 21 of the Substitute Specification. In contrast to the present claimed invention, Althoff clearly does not teach or suggest “forming an error pattern for a monitoring of the at least one sensor with the aid of an error word [which indicates one of a plurality of different error types] and at least one of a sensor signal and a status signal of a vehicle component.” Although the Examiner states that Tables 1-3 show an “error pattern” which is equivalent to the claimed “error pattern” of claim 8, Althoff clearly indicates that Tables 1-3 merely illustrate the determination made by microcomputers 5 and 17 regarding “the two signal curves  $x_1$ ,  $x_2$  for the two transmitters” at different time points, as shown in Fig. 11. (Col. 12, l. 49 – col. 13, l. 32). Accordingly, since Tables 1-3 of Althoff merely show signal curves for the two transmitters, Tables 1-3 clearly do not suggest any error word which indicates one of a plurality of different error types, let alone that the “error pattern” is formed “with the aid of an error word [which indicates one of a plurality of different error types] and at least one of a sensor signal and a status signal of a vehicle component.”

Independent of the above, there is clearly no suggestion in Althoff that “the error pattern is formed by an evaluation module associated with the sensor using a stored look-up table,” or any suggestion of “transmitting the error pattern from the evaluation module to a processor”; instead, as clearly shown in Fig. 1 and described in col. 5, l. 37-49 and col. 6, l. 41-49, Althoff does not suggest an intervening evaluation module (which is distinct from the processor) forming the error pattern using a stored look-up table, and Althoff merely describes distinguishing between different sources of error by having the microcomputers 5, 17 directly performing a data exchange or checking the gradients of the transmitter values.

For at least the foregoing reasons, claim 8 and its dependent claims 9, 10 and 12 are not anticipated by Althoff.

With respect to the rejection of claim 11 as being obvious in view of Althoff, Applicant notes that claim 11 ultimately depends on claim 8. As discussed in connection with parent claim 8, Althoff fails to teach or suggest all of the features of parent claim 8. In addition, the Examiner's contentions made in connection with dependent claim 11 clearly do not overcome the above-noted deficiencies of Althoff as applied against parent claim 8. Therefore, dependent claim 11 is clearly not rendered obvious by Althoff.

### CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that all pending claims of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,

KENYON & KENYON LLP



(R. No.  
36,197)

Dated: November 5, 2007

By: SONG LEE for Gerard Messina  
Gerard A. Messina  
Reg. No. 35,952

One Broadway  
New York, New York 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288

**CUSTOMER NO. 26646**